(23)

HIGH COURT OF CHHATTISGARH AT BILASPUR
DIVISION BENCH

CORAM: **HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &**
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

Writ Appeal No. 159 of 2007

Appellant Pushpendra Kumar Kaushik S/o Late Shri Bhagirathi Kaushik, Aged about 32 years R/o village - Akaltari, Tah - Janjgir, District - Janjgir - Champa (CG)

Versus

Respondents

1. State of Chhattisgarh, Through : Commissioner, Bhu Abhilekh and Settlement Chhattisgarh (CG)
2. Settlement Officer Bilaspur, District - Bilaspur (CG)
3. The Collector, District - Janjgir - Champa (CG)
4. The Deputy Collector, District - Janjgir - Champa (CG)

Writ Appeal under Section 2 Sub - Section (1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006

Present : Shri Sandeep Dubey, counsel for the appellant
Shri GD Vaswani, Government Advocate for the State.

ORAL ORDER
(Passed on 23rd October, 2007)

The following oral order of the Court was passed by **Hon'ble Jagdish Bhalla, Ag. CJ.**

IA No.1.

This is an application for condonation of delay in filing the appeal.

Learned counsel for the appellant regrets for the delay.

In light of the facts and circumstances indicated in the application (IA No.1) for condonation of delay, the delay in filing the appeal is condoned.

This appeal is directed against the judgment dated 17th January, 2007 passed by Hon'ble Single Judge dismissing the petitioner's writ petition No.197 of 2007 on the pretext that the petition being second writ petition, it is not maintainable.

It is true that earlier a writ petition was filed by the petitioner which was disposed of with the following direction :

> "It is made clear that if any grievance still remains, the petitioners may avail the remedy available under the law including filing of the petition before this Court"

From the perusal of paragraph 2 of the judgment it is clear that there is a mention of this judgment dated 9th March, 2006. As such, interest of justice would suffice if the matter would be remanded back to the Hon'ble Single judge for consideration of the writ petition on merit. Accordingly, the appeal is allowed and the order passed by the Hon'ble Single judge dated 17th January, 2007 is set aside, and the writ petition is restored to its original number for considering and deciding the same on merits.

Sd/-
Ag. Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge